

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

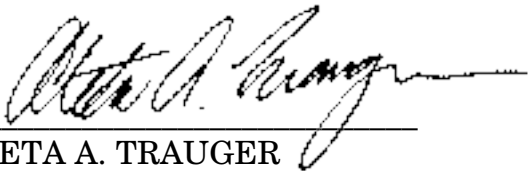
UNITED STATES OF AMERICA ex rel.)	
ROBERT A. FRY,)	
)	
Plaintiffs,)	
)	Civil Action: 3:03-0842
v.)	Hon. Aleta Trauger
)	Magistrate Judge Bryant
GUIDANT CORPORATION, its predecessor)	
Cardiac Pacemakers, Inc., a division of)	
Eli Lilly and Company,)	
)	
Defendant.)	

PROPOSED ORDER

Upon consideration of the parties' *Joint mediation Report*, and pursuant to Local Rule 16.02, the Court appoints Harold Himmelman to serve as a mediator in this matter. The Court further ORDERS, as previously set forth in the Court's September 3, 2009 Order (Docket No. 389) that the Plaintiffs will bear fifty percent of the costs of the mediation, and Defendant will bear fifty percent of the costs of mediation.

IT IS SO ORDERED.

Entered this 18th day of September, 2009.



ALETA A. TRAUGER
UNITED STATES DISTRICT JUDGE